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Message Text

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ACTION AF-10

INFO OCT-01 IO-13 ISO-00 HA-05 AID-05 CIAE-00 DODE-00
PM-05 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01
PRS-01 SP-02 SS-15 USIA-06 /080 W
----------090047 170936Z /15
R 150727Z DEC 77 ZFF4
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC 5579
INFO AMEMBASSY BUJUMBURA
AMEMBASSY NAIROBI
USMISSION USUN NY

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JOINT STATE/AID MESSAGE

NAIROBI FOR REDSO/EA

E.O. 11652: N/A
TAGS: SHUM, RW
SUBJECT: HUMAN RIGHTS: PROPOSED NATIONAL JUDICIARY
TRAINING CENTER

REF KIGALI 1632 (NOTAL)

SUMMARY: AS PROMISED (REFTEL), FORMER JUDTICE MINISTER HABIMANA SENT ME "CONFIDENTIAL" LETTER DECEMBER 13 PROVIDING RAISON D'ETRE FOR JUDICIARY TRAINING CENTER, WHOSE ESTABLISHMENT WE HAVE BEEN ASKED TO FINANCE. LETTER STRESSES RELATIONSHIP BETWEEN HUMAN RIGHTS AND TRAINED MAGISTRACY, WHILE NOTING THAT 500 SITTING JUDGES COULD NOT POSSIBLY RE REPLACED BY LAW SCHOOL GRADS WITHIN REASONABLE TIMEFRAME. SHORT-TERM PRACTICAL COURSES AT PROPOSED CENTER WOULD THEREFORE AIM AT UPGRADING PRESENT JUDGES AND ALLIED CADRES. ALTHOUGH
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HABIMANA WAS REPLACED LAST WEEK AS MINJUSTICE, HE REMAINS NEAR TOP OF RWANDAN GOVERNING ELITE AND CLOSE TO PRESIDENT, WHO SHARES HIS INTEREST IN PROJECT AND OUR POSSIBLE SUPPORT. REQUEST FAVORABLE WASHINGTON REVIEW AND ADVICE. END SUMMARY.

1. HEREWITH SUMMARY TRANSLATION OF LETTER RECEIVED THIS

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MORNING FROM EX-JUSTICE MINISTER HABIMANA (HIS LAST ACT AS MINISTER, HE TOLD ME). OUTLINING RATIONALE FOR NATIONAL JUDICIARY TRAINING CENTER.

BEGIN SUMMARY

2. RWANDAN CONSTITUTION FORMALLY GUARANTEES CERTAIN INDIVIDUAL LIBERTIES, NOTABLY THOSE INSCRIBED IN UNIVERSAL DECLARATION OF HUMAN RIGHTS. FIRST OF THESE IS PERSONAL FREEDOM (LIBERTE DE LA PERSONNE HUMAINE), WHICH ART 15 DECLARES INVOILABLE. ART 15 ALSO PROVIDES THAT NO ONE MAY BE FOUND GUILTY OF EX POST FACTO LAWS AND THAT NO PUNISHMENT MAY BE IMPOSED EXCEPT THAT ESTABLISHED IN WRITTEN LAW. THESE CONSTITUTIONAL GUARANTEES ARE APPLIED VIA COPIOUS LEGISLATION WHICH IN TURN IS INSPIRED BY RESPECT FOR INTEGRITY OF INDIVIDUAL.

3. BUT CORRECT APPLICATION OF THE LAW REQUIRES JURIDICAL TRAINING WHICH MOST RWANDAN MAGISTRATES NOW LACK.

4. IDEAL LONG-TERM SOLUTION WOULD BE TO PROVIDE EVERY JURISDICTION WITH MAGISTRATE HOLDING DEGREE IN LAW. THIS IS ONE REASON FOR GOR'S CONTINUING CONCERN FOR STRENGTHENING LAW FACULTY OF NATIONAL UNIVERSITY. HOW-EVER, NUMBER OF JUDICIAL POSTS TO FILL (ABOUT 500), LENGTH OF SPECIALIZED STUDIES (4 YEARS), AND LIMITED NUMBER OF LIMITED OFFICIAL USE

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DEGREES AWARDED YEARLY BY LAW FACULTY (ABOUT 25) MAKE SUCH A SOLUTION IMPOSSIBLE FOR NEAR TERM, ESPECIALLY SINCE MANY OTHER SERVICES AND SECTORS OUTSIDE JUDICIARY ALSO SEEK TO HIRE LAW GRADUATES.

5. GOR AUTHORITIES ARE THEREFORE OBLIGED TO PROVIDE ACCELERATED TRAINING FOR EXISTING JUDGES, BY MEANS OF SIX-MONTH COURSES THROUGH WHICH SOME FIFTY JUDGES RECEIVE BOTH THEORETICAL AND PRACTICAL TRAINING TO SUIT THEIR IMMEDIATE NEEDS.

6. THIS APPROACH HAS ALREADY PRODUCED NOTABLE RESULTS, AS COURSES ALREADY CARRIED OUT AT NYABISINDU (SUPREME COURT SEAT) HAVE SHOWN. BUT IT IS NO LONGER POSSIBLE TO PROVIDE THIS TRAINING AT A DISTANCE OF 100 KMS FROM THE CAPITAL, SINCE MAJORITY OF PROFESSORS ARE GOVT OFFICIALS
K
WHOSE PRIMARY ACTIVITY IS IN KIGALI. TRAINING CENTER MUST THEREFORE BE TRANSFERRED TO KIGALI AND SUITABLE PERMANENT QUARTERS CONSTRUCTED. IN SUCH FACILITIES, BASIC TRAINING MIGHT BE GIVEN TO MAGISTRATES ALREADY APPOINTED AND, LATER ON, REFRESHER COURSES ORGANIZED TO ASSURE

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UNDERSTANDING OF NEW LEGISLATION AS IT EMERGES.

7. RESPECT FOR LAW AND ASSURANCE OF JUST GOVERNMENT ARE ESSENTIAL CONDITIONS FOR HARMONIOUS DEVELOPMENT. THESE OBJECTIVES CAN ONLY BE ACHIEVED IF INSTITUTIONS WHOSE ROLE IS TO GUARANTEE RESPECT FOR LAW ARE SERVED BY COMPE-TENT PERSONNEL. AND THIS COMPETENCE IS TURN CAN ONLY BE ASSURED BY ADEQUATE TRAINING. THUS, ESTABLISHMENT OF NATIONAL JUDICIARY TRAINING CENTER IS BOTH NECESSARY AND URGENT. /S) MINJUSTICE HABIMANA BONAVENTURE.

END SUMMARY

8. COMMENT: HABIMANA'S DEPARTURE FROM MINJUSTICE (KIGALI
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1686) DOES NOT REPRESENT EITHER PERSONAL DEMOTION OR ABANDONMENT OF GOR INTEREST IN PROJECT. INDEED, AT CEREMONIES DEC 9 INSTALLING HIS SUCCESSOR, HABIMANA ONCE AGAIN STRESSED TO ME HIS OWN AND PRESIDENT'S HOPE THAT WE MIGHT PROVIDE SUPPORT (ONLY COPY OF HABIMANA'S "CONFIDENTIAL" LETTER WAS ADDRESSED TO PRESIDENT.)

9. ACTION REQUESTED: HOPE STATE/AID WILL REFLECT SERIOUSLY ON THIS REQUEST AND FIND MEANS TO PROVE OUR OWN COMMITMENT TO HUMAN RIGHTS AND OUR SUPPORT FOR SIMILAR COMMITMENT ON RWANDA'S PART.
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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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